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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MICHAEL A. MCGILBRA,

Plaintiff(s),

v.

CAROLYN W. COLVIN, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant(s).

2:12-CV-794 JCM (CWH)

**ORDER**

Presently before the court is Magistrate Judge Hoffman's report and recommendation. (Doc. # 21). The magistrate recommends that plaintiff's motion for reversal/remand (doc. # 15) be denied. Plaintiff has not filed objections to the report and recommendation, and the deadline to do so has expired.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
2 judge's report and recommendation where no objections have been filed. *See United States v.*  
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
4 district court when reviewing a report and recommendation to which no objections were made); *see*  
5 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
8 recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
9 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation  
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
12 whether to adopt the recommendation of the magistrate judge.

13 This matter is before the court on appeal from the Social Security Administration's denial  
14 of plaintiff's application for disability benefits. Plaintiff and his representative appeared before the  
15 administrative law judge ("ALJ") on April 26, 2011. The ALJ issued an unfavorable decision,  
16 finding that plaintiff had not been suffering from a disability as defined by the Social Security Act.  
17 The ALJ properly followed the five-step evaluation process set forth at 20 C.F.R. §§ 404.1520 and  
18 416.920 and reached the correct result. Likewise, the magistrate reviewed the underlying record and  
19 appropriately arrived at the same conclusion.

20 Upon reviewing the recommendation and underlying briefs, this court finds good cause  
21 appears to ADOPT the magistrate's findings in full.

22 Accordingly,

23 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate's report and  
24 recommendation (doc. # 21) be, and the same hereby is, ADOPTED in its entirety.

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1 IT IS FURTHER ORDERED that plaintiff's motion for reversal/remand (doc. # 15) be, and  
2 the same hereby is, DENIED. The clerk shall enter judgment accordingly and close the case.

3 DATED March 13, 2014.

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6 UNITED STATES DISTRICT JUDGE